

Washington, Friday, September 26, 1911

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER III—BUREAU OF ENTO-MOLOGY AND PLANT QUARAN-TINE

[B.E.P.Q. 472 revised 1]

PART 301-DOMESTIC QUARANTINE NOTICES

MEXICAN FRUITFLY—TREATMENTS
AUTHORIZED

Introductory note. This revision of circular B.E.P.Q. 472 has the twofold purpose of bringing the citations of authority into line with the current regulations of the Mexican fruitfly quarantine, and of providing authorization for the low-temperature method of sterilization for the Mexican fruitfly for those in the citrus-fruit industry in Texas who desire to employ that method. Of the two heat-treatment methods authorized in the previous issue of the circular, only one is in current use, and authorization for this treatment as specified below is therefore continued with no change in method, other than the recommendation that in the use of wax or paraffine, applications of such material be made only after sterilization.

§ 301.64-4a Administrative instructions; treatment of grapefruit and oranges for the Mexican fruitify. Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by § 301.64-4 (e), Chapter III, Title 7, Code of Federal Regulations (regulation 4 of the regulations (third revision) supplemental to Notice of Quarantine No. 64, the Mexican fruitily quarantine ²1, the methods of sterilization specified below are hereby authorized, effective September 25, 1941, as a condition of the issuance of permits for interstate movement of grapefruit and oranges.

(a) Vapor-heat method. Heating the fruit for a period of not less than 14 hours during which time the fruit shall be raised to a temperature of 110° F. at the approximate center of the fruit

and shall be maintained at or above that temperature for the last 6 hours of such treatment.

While no specifications as to the exact methods and equipment for obtaining these conditions are prescribed, the air within the room shall be maintained at the temperature and under the humidity conditions required by the supervising inspector. Available information clearly indicates that by the application of dry heat the required temperatures cannot be reached without injury to the fruit. To prevent such injury it is necessary to maintain a very high humidity throughout the period of treatment. In the tests where successful performance was obtained, live steam as the source of heat was applied in such a way as to secure as nearly as possible a uniform distribution of steam-heated air so directed as not to discharge directly on the fruit. The air temperature ranged from 110° to 112° F. and the air was very moist. The fruit was held in field boxes stacked four boxes high and without special means of separating the boxes in each stack. The experiments indicate that the fruit should be sterllized after coloring, if this is necessary, and before packing for shipment, and then cooled down to a temperature around 45° F. as soon as possible after sterilizing. Wax or paraffine, either dry or in solution, should not be applied to this fruit before sterilization.

- (b) Low-temperature method. (1) Cooling until the approximate center of the fruit reaches a temperature of 33° F. and holding the fruit at or below that temperature for a period of 18 days.
- (2) Cooling until the approximate center of the fruit reaches a temperature of 34° F. and holding the fruit at or below that temperature for a period of 20 days.
- (3) Cooling until the approximate center of the fruit reaches a temperature of 35° F. and holding the fruit at or below that temperature for a period of 22 days.

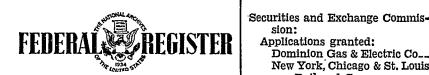
Such treatments as specified in paragraphs (a) and (b) above are authorized in sterilization or refrigeration plants in the regulated area which are approved by the Bureau of Entomology and Plant

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Superseding P.Q.C.A. 329 and 330.

³⁴ FR 4222.



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The Administrative Committee consists of the Archivist or Acting Archivist, an officer

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer

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Quarantine. The Bureau will approve only those plants which are adequately equipped to handle and sterilize the fruit. Such sterilization will be done under the supervision of inspectors of the Bureau. These inspectors should at all times be given access to fruit while in process of sterilization.

While the results of the experiments so far conducted have been successful, it should be emphasized that inexactness and carelessness in operation may result in injury to fruit. In authorizing the movement of fruit sterilized in accordance with the above requirements, it is understood that the Department does not accept responsibility for fruit injury.

Done at Washington, D. C., this 19th day of September 1941.

SEAL] P. N. ANNAND, Chief.

[F. R. Doc. 41-7169; Filed, September 25, 1941; 11:03 a. m.]

CHAPTER VIII—SUGAR DIVISION OF THE AGRICULTURAL ADJUSTMENT ADMINISTRATION

[G.S.Q.R. Series 8, No. 1, Rev. 5, Amendment 1]

PART 821-SUGAR QUOTAS

REVISION OF PRORATIONS OF THE QUOTA FOR FOREIGN COUNTRIES OTHER THAN CUBA

Pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1937 (50 Stat. 903; 7 U.S.C. 1100), as amended, § 821.224 of General Sugar Quota Regulations, Series 8, No. 1, Revision 5, is hereby amended to read as follows:

§ 821.224 Proration of quota for foreign countries other than Cuba, of Philippine deficit, and of September 1, 1941,

4909

deficits in prorations in effect on July 1, 1941—(a) Revised prorations. The quota for foreign countries other than Cuba, an amount of sugar equal to the deficit in the quota for the Commonwealth of the Philippine Islands, and an amount of sugar equal to the prorations of the quota for foreign countries other than Cuba in effect on July 1, 1941, and unfilled on September 1, 1941, are hereby prorated, pursuant to sections 202 and 204 of the said act, as follows:

Destutions

	Prorations
	in pounds,
Country: •	raw valuo
Argentina	172, 756
Canada	7, 279, 181
China & Hongkong	3, 682, 673
Costa Rica	244, 105
Dominican Republic	
Dutch East Indies	2, 505, 181
	3, 969, 033
Guatemala	
Haiti, Republic of	25, 002, 502
Honduras	40, 680, 683
Mexico	72, 004, 758
Nicaragua	121, 132, 598
Peru	301, 515, 638
Salvador	97, 282, 227
United Kingdom	4, 155, 876
Venezuela	3, 436, 912
Other countries	9, 282, 293
Subtotal	873, 266, 246
Unallotted Reserve	
Total	880, 608, 000

(Sec. 202, 50 Stat. 905; 7 U.S.C. 1112; Sec. 204, 50 Stat. 905; 7 U.S.C. 1114)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 20th day of September 1941.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-7167; Filed, September 25, 1941; 11:03 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT CHAPTER VII—PERSONNEL

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS AND CHAPLAINS ¹

APPOINTMENT IN MEDICAL, DENTAL, VETER-INARY, AND MEDICAL ADMINISTRATIVE CORPS, REGULAR ARMY

§ 73.5 Appointment.

(c) The names of candidates for appointment in the Medical and Dental Corps, Regular Army, who qualified by competitive examination will be dropped from the eligibility list 1 year after date on which such lists are published. The names of candidates who qualified for appointment in the Medical or Dental Corps through the completion of Army interneships will remain on the eligible lists until appointed, provided they have maintained an actice duty status in the Medical or Dental Reserve until the date of appointment. (Sec. 4, 35 Stat. 67; sec. 24, 41 Stat. 774; 40 Stat. 397; sec. 4, 49 Stat. 506, 1902; 10 U.S.C. 92, 93, 125,

¹⁶ F.R. 4836.

^{1 § 73.5 (}c) is added.

151, 552b) [Par. 17, AR 605-20, Aug. 16, 1939, as amended by Cir. 193, W. D., Sept. 17, 1941]

[SEAL]

E. S. Adams, Major General, The Adjutant General.

[F. R. Doc. 41-7166; Filed, September 25, 1941; 10:01 a. m.]

TITLE 16-COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4208]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF OXOL LABORATORIES

§ 3.6 (t) Advertising falsely or misleadingly-Qualities or properties of product: § 3.6 (x) Advertising falsely or misleadingly—Results. Disseminating, etc., in connection with offer, etc., of respondents' "Trox Tablets" or any other substantially similar product, any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said product, which advertisements represent, directly or through inference, (1) that their product "Trox Tablets" constitutes a cure or remedy for diseases and ailments of the kidneys or of the prostate gland, or constitutes a competent or effective treatment therefor; and (2) that said product possesses any therapeutic value in the treatment of diseases and ailments of the kidneys or of the prostate gland; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Oxol Laboratories, Docket 4208, September 17, 1941]

In the Matter of W. S. McClymonds and G. L. McClymonds, Individuals Doing Business as Oxol Laboratories

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of September, A. D. 1941.

This proceeding having been heard1 by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, and a stipulation as to the facts entered into between the respondents herein and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the

provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, W. S. McClymonds and G. L. McClymonds, individually and doing business as Oxol Laboratories, or trading under any other name, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their product "Trox Tablets", or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

- (1) Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference,
- (a) That respondents' product "Trox Tablets" constitutes a cure or remedy for diseases and ailments of the kidneys or of the prostate gland, or constitutes a competent or effective treatment therefor:
- (b) That respondents' product "Trox Tablets" possesses any therapeutic value in the treatment of diseases and allments of the kidneys or of the prostate gland.
- (2) Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said product, "Trox Tablets", which advertisement contains any of the representations prohibited in paragraph (1) hereof.
- It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

Joe L. Evins, Acting Secretary.

[F. R. Doc. 41-7185; Filed, September 25, 1941; 11:51 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I-BUREAU OF CUSTOMS

PART 4-AIR COMMERCE REGULATIONS

REGULATIONS FOR THE APPLICATION TO CIVIL AIR NAVIGATION OF THE LAWS AND REGU-LATIONS RELATING TO CUSTOMS, PUBLIC HEALTH, ENTRY AND CLEARANCE, AND IMMIGRATION

Correction

Section 4.10 of F.R. Doc. 41-6536 (filed, August 29, 1941, at 4:28 p. m.), appearing

on page 4519 of the issue for Wednesday, September 3, 1941, should read as follows:

§ 4.10 Omission of lists of aliens employed on board aircraft. The information required by §§ 4.8 and 4.9 as to aliens employed on board an aircraft may be omitted from the aircraft commander's entry and clearance declarations in the case of aircraft operated by a scheduled airline if its schedules and a list (on a form approved by the Commissioner of Immigration and Naturalization) of such information as to all aliens employed on board the aircraft have been filed by the operator of the aircraft with the immigration officer in charge at the airport of arrival (and at the airport of departure if other than the airport of arrival) shown on such schedules. From that list such officer shall keep as to each alien a card record on a form prescribed by the Commissioner of Immigration and Naturalization. Whenever an allen so listed shall be left in a hospital in the United States or ceases to be in the employ of the operator, the latter shall file with such immigration officer at such airport a report covering the date, place, and manner of leaving the allen in a hospital or the discontinuance of his employment. The name, place and date of employment of any other or additional alien on board, for inclusion in the list so filed, shall be reported promptly by the operator to such immigration officer at such airport.*

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T.D.5069]

PART 137-CAPITAL STOCK TAX

EXTENSION OF TIME FOR FILING CAPITAL STOCK TAX RETURNS AND PAYING TAX

General extension. Under the authority of section 1203 (b) (2) of the Internal Revenue Code, as amended by section 301 (c) of the Revenue Act of 1941, the period within which returns of capital stock tax for the year ended June 30, 1941, may be filed without assertion of penalties for delinquency, as extended to September 29, 1941, by Treasury Decision 5061, approved July 21, 1941, is hereby further extended to October 29, 1941.

Under the authority of section 1205 (b) of the Internal Revenue Code, the pariod within which payments of capital stock tax for the year ended June 30, 1941, may be made without assertion of interest accruals thereon, as extended to September 29, 1941, by Treasury Decision 5061, is hereby further extended to December 28, 1941. In any case, however, where a notice and demand for payment of capital stock tax for the year ended June 30, 1941, is issued and pay-

¹5 F.R. 4554.

³⁶ F.R. 3634.

ment is made on or before December 28, 1941, such payment shall be considered timely only if made within ten days from issuance of the notice and demand. If the tax is not paid within such ten-day period, interest shall be accrued thereon as required by law. (Secs. 1203, 1205, 3655, 3791, 53 Stat., 171, 446, 467; 26 U.S.C., Sup. V, 1203, 1205, 3655 and 3791; and section 301 (c) of the Revenue Act of 1941 (Public Law 250, 77th Congress).)

GUY T. HELVERING. [SEAL] Commissioner of Internal Revenue. Approved: September 24, 1941.

HERBERT E. GASTON,

Acting Secretary of the Treasury.

[F. R. Doc. 41-7151; Filed, September 24, 1941; 2:44 p. m.]

TITLE 30-MINERAL RESOURCES CHAPTER III—BITUMINOUS COAL DIVISION

[Order No. 333]

PART 318-MARKETING RULES AND REGULATIONS

AN ORDER DIRECTING CODE MEMBERS TO FILE DUPLICATE COPIES OF ALL ANALYSES HERE-TOFORE FILED AND ALSO DIRECTING CODE MEMBERS TO FILE ALL FUTURE ANALYSES IN DUPLICATE

It appearing that in order to carry out the provisions of the Bituminous Coal Act of 1937, it is necessary that copies of certain analyses heretofore filed should be supplied to the Division and that every analysis hereafter filed with the Bituminous Coal Division should be filed in duplicate;

Pursuant to the provisions of sections 4 II (a) and 10 (a) of the Bituminous Coal Act of 1937.

It is, therefore, ordered, That within thirty (30) days from the date hereof all code members who have heretofore filed analyses of their coals in accordance with § 318.8 (a) (Use of coal analyses) in the Marketing Rules and Regulations, shall file with the appropriate Statistical Bureau one copy of each analysis so filed; and

It is further ordered, That from and after the date of this order every analysis filed with the appropriate Statistical Bureau in accordance with the provisions of § 318.13 (a) (Unfair methods of competition) in the Marketing Rules and Regulations, shall be in duplicate.

Dated: September 17, 1941.

[SEAL]

H. A. GRAY, Director.

[F. R. Doc. 41-7119; Filed, September 23, 1941; 11:33 a. m.]

TITLE 32-NATIONAL DEFENSE

CHAPTER VI-SELECTIVE SERVICE SYSTEM

[Amendment No. 110]

AMENDING THE REGULATIONS SO AS TO PROVIDE FOR THE DISCLOSURE OF CERTAIN

CONFIDENTIAL INFORMATION TO INVESTI-GATORS REPRESENTING THE AMERICAN NATIONAL RED CROSS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective immediately upon the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume One, Section VIII, by deleting the present subparagraph b of Paragraph 165 1 and substituting therefor the following:

- b. The records relating to dependency status shall not be confidential under the circumstances and to the extent following:
- (1) The fact that dependency has been claimed and the names and addresses of the claimed dependents shall not be confidential and may be disclosed or furnished.
- (2) Information as to dependents or home conditions of a registrant shall be furnished to a representative of the American National Red Cross who has been authorized by the Army, Navy, or Marine Corps to investigate the registrant's request for separation from active service or discharge from the armed forces. For the purpose of such investigation, information so given shall not be considered confidential as to the investi-The investigator shall not be permitted to examine the registrant's file, but any information contained therein relating to his dependents or home conditions will be furnished orally during a consultation with members of the local board or their authorized representative.

LEWIS B. HERSHEY. Director.

SEPTEMBER 23, 1941.

[F. R. Doc. 41-7179; Filed, September 25, 1941; 11:30 a. m.]

CHAPTER IX-OFFICE OF PRODUC-TION MANAGEMENT

[Supplementary Order No. M-11-d]

SUBCHAPTER B-PRIORITIES DIVISION

PART 937-ZINC

§ 937.5 Supplementary order No. M-11-d. (a) The Director of Priorities hereby determines that the amount of Metallic Zinc, Zinc Oxide and Zinc Dust to be set aside by Producers under paragraph (c) of § 937.1 as amended, for the month of October and for each month thereafter until otherwise determined by him, shall be as follows:

- (1) Metallic Zinc-An amount equal to 27% of Producer's August 1941 production.
 - (2) Zinc Oxide-None.
 - (3) Zinc Dust-None.
- (b) This order shall take effect on the 1st day of October, 1941. (P.D. Reg.

16 F.R. 3947.

1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596; E.O. 9629, Jan. 7, 1941, 6 F.R. 191; E.O. 8629, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 24th day of September 1941. DONALD M. NELSON, Director of Priorities.

[F. R. Doc. 41-7157; Filed, September 24, 1941; 4:33 p. m.]

PART 958-REPAIRS

Interpretation No. 2 of Preference Rating Order P-22

The following official interpretation is hereby issued by the Director of Priorities with respect to § 958.1 Preference rating order No. P-22,1 dated September 9, 1941.

Section 958.1 permits the application of the preference rating therein assigned to purchase orders for Material for Repairs or Emergency Inventory, placed by a Producer prior to the effective date of such Preference Rating Order. The preference rating assigned may be applied to such purchase orders by filing with the seller of the Material a duplicate copy of the purchase order theretofore placed, endorsed in the manner specified in paragraph (d) of the Order.

Issued this 24th day of September 1941.

> DONALD M. NELSON, Director of Priorities.

IF. R. Doc. 41-7158; Filed, September 24, 1941; 4:33 p. m.]

TITLE 37—PATENTS AND COPYRIGHTS

CHAPTER 1—PATENT OFFICE

[Order No. 151]

PART 3-LICENSES TO FILE APPLICATIONS FOR PATENTS IN FOREIGN COUNTRIES

3.1 3.2 Petition for license.

Definitions.

3.3

Invention not made in United States. Accompanying documents. No corresponding United States ap-

plication.
"New Matter" in amendment. 3.6

Copies of foreign applications.

Affidavit.

Enclosures. 3.9

Envelope.

Informal petitions returned. 3.11

3.12 License.

Alteration of license.

Licenses revocable.
Application mailed, license presented at post office.

A new part is added reading as follows:

§ 3.1 Petition for license. Licenses will be issued on petition addressed to the Commissioner of Patents. One petition completely filled out in duplicate must be filed for each application and for each amendment to be filed in each foreign

⁴6 F.R. 4665.

country. Petitions must be filed on forms DL1 (applications) and DL2 (amendments), except that applications for licenses made on A. E. C. Form No. 16, filed and completed in the Office of the Administrator of Export Control before September 20, 1941, and not granted or denied by the Administrator will be considered by the Commissioner of Patents.*

*§§ 3.1 to 3.15, inclusive, are issued under the authority contained in section 3 of the Act of July 1, 1940 (54 Stat. 710), as added by the Act of August 21, 1941, (Public Law 239—77th Congress, (35 U.S.C. 42))

§ 3.2 Definitions. The term "application", as used in the regulations in this part, includes applications, and any modifications, amendments, or supplements thereto or continuances thereof, and in the petition for license, includes the usual application for patent or for the registration of a utility model, industrial design, or model, or for a patent of addition, and also includes each and every communication, drawing, document, or paper containing technical information, whether or not in the English language, which shall furnish in whole or in part the basis of any such application or which shall assist, cause or authorize the filing cf such an application in any foreign country.

The term "amendment", as used in the petition for license, is used in its usual sense and also includes each and every communication, document, or paper which relates to any foreign application for patent, or for the registration of a utility model, industrial design, or model, and contains any technical data or information whether or not in the English language which upon translation, if necessary, or other modification is intended to be used as an amendment or as a basis for preparing an amendment, argumentative letter or supplement of any kind to such foreign application already filed. If the supplement is in the form of an application, such, for example, as an application of addition to a foreign patent or application, it is not an amendment, and Form DL1 should be used.*

- § 3.3 Invention not made in United States. No license from the Commissioner of Patents is required if the invention was not made in the United States. Before filing an application or an amendment abroad relating to such an invention, however, it should be determined whether a license is required by any other Government agencies.*
- § 3.4 Accompanying documents. The application or the amendment sought to be exported or filed in a foreign country must accompany the petition. All documents enclosed which are in a foreign language must be accompanied by the original English text and a translator's affidavit to the effect that the foreign document is a true, faithful, and exact translation.*
- § 3.5 No corresponding United States application. If the application to be filed in a foreign country does not contain the disclosure of any United States applica-

tion whatsoever, a complete and properly identified copy in English must be filed for use and record of the Patcut Office.*

§ 3.6 "New matter" in amendment. If the amendment contains any matter or disclosure which is not in the original specification or in any of the amendments or the supplements already filed abroad, or already contained in printed publications, the petition must point out in detail all of this new matter.*

§ 3.7 Copies of foreign applications. Petitioner may be required to file verified copies of the foreign application to be amended, together with all amendments and supplements already filed in the foreign country.*

§ 3.8 Affidavit. The affidavit in the petition will be executed by applicant, his or his assignee's attorney or agent.

§ 3.9 Enclosures. Necessary covering letters and other enclosures to accompany the application or amendment should be attached by clips to the petition. No responsibility can be assumed by the Government as to enclosures i: the form of drafts, checks, or funds in any form. A list of all papers filed must be included in the petition.*

§ 3.10 Envelope. The petition must be accompanied by a strong, flat, unscaled envelope of sufficient size to enclose the application or amendment and all of the accompanying material. This envelope must be properly addressed to the consignee in the foreign country of destination.*

§ 3.11 Informal petitions returned. Each petition which is informal, incomplete, or not accompanied by required copies of applications, a proper affidavit or a suitable unsealed, properly addressed envelope will be returned with a check list indicating the deficiencies.

§ 3.12 License. When the petition is countersigned by an authorized officer of the Licensing Division and impressed with the seal of the Patent Office it becomes a license.*

§ 3.13 Alteration of license. Any attempt to export any application or amendment differing in any manner from that licensed or any alteration of the license except by a duly authorized officer of the United States is punishable under appropriate acts of Congress.*

§ 3.14 Licenses rerocable. All licenses are subject to revocation without notice and are not transferable.*

§ 315 Application matted, license presented at post office. The application or amendment must be mailed at the designated post office within one year from the date of the license. The license must accompany the letter package containing the application or amendment and must be surrendered to the Postmaster for endorsement and forwarding to the Commissioner of Patents.*

[SEAL]

Commissioner.

Approved September 22, 1941.

WAYNE C. TAYLOR,

Acting Secretary of Commerce.

[F. R. Doc. 41-7154; Filed, September 24, 1941;
3:59 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR CHAPTER I—GENERAL LAND OFFICE [Circular 1494]

PART 192—OIL AND GAS PERLITS AND LEASES (APPENDIX)

ISSUANCE OF OIL AND CAS LEASES IN THE LANCE CREEK OIL FIELD, WYOLING

- 1. Statutory Authority. The act of Congress approved July 3, 1941 (Public No. 151), authorizes the Secretary of the Interior to issue leases under the provisions of section 19 of the act of February 25, 1920 (41 Stat. 437), except as otherwise provided in this act, covering certain described lands in the Lance Creek oil and gas field, Wyoming. A copy of the act is attached to these regulations. The following rules and regulations are prescribed for the administration of the act:
- 2. Application for leases. Applications for leases must be made by the respective oll and gas operators in possession of the land on and prior to January 1, 1940, under placer mining claims initiated prior to October 16, 1918, and must be made under oath and the supporting documents and papers certified or under oath so far as practicable. The application, with all the accompanying papers, must be filed in the United States land office at Cheyenne, Wyoming, within six months from July 3, 1941. Each application should contain full information as to the facts upon which the applicant bases his claim to a lease, covering the following points and such additional matters as may, from the particular facts in the case, be material in the establishment of his claim under the law:
- (a) Name of the applicant, post office address and citizenship. If the applicant is an individual, he must show whether he is native born or naturalized and, if naturalized, date of naturalization, court in which naturalized, and number of certificates if known; if a corporation, by certified copy of the articles of incorporation and a showing as to residence and citizenship of the stockholders.
- (b) A duly certified abstract of title to the land brought up to January 1, 1940, and a relinquishment to the United States of all right, title and interest in and to the land. This relinquishment must be in the form of an unconditional quitclaim deed, duly executed and acknowledged, but not recorded, and when filed will be held for such action as the facts and the law in the case warrant and require.
- (c) A description by legal subdivisions of section, township and range of all of the lands in the possession of the applicant within the area described in the act.
- (d) A showing as to all conflicting claims or disputed claims, if any, to the lands or production therefrom, specifying the character and extent of any such claims.

²Filed with the original document.

(e) A statement showing aggregate expenditures prior to January 1, 1940, made by the applicant or his predecessors in interest of not less than \$10,000, on or for the benefit of each claim upon which the application is based.

(f) A complete detailed statement by months of all production from the land from January 1, 1940, to end of the month preceding date of application, to be thereafter supplemented by like statements at the end of each month until lease issues, showing (1) grade and total quantity of oil and gas produced; (2) the amount sold or otherwise disposed of, to whom sold, and the selling price or other consideration received therefor; (3) a statement of the grade and amount of any and all such production held in storage at the end of the month preceding the date of application; and (4) the amount consumed for production purposes upon the land or unavoidably lost. The applicant must also furnish a complete detailed statement by months of production from the land prior to January 1, 1940, as herein required, except that the selling price required in item (2) need not be given, nor the statement required under item (3) hereof.

(g) A full showing of all interests held in the land or in the production therefrom, whether royalty, working or other interest, giving names and addresses of such holders, their citizenship, and per-

centage of interest held.

- (h) A consent to permit the inspection of any and all books, records and accounts having any bearing on the data or information required by the application, and to furnish copies or abstracts, of such books, records or accounts, on demand.
- 3. Payment of royalty on past production. (a) The application shall be accompanied by a certified check drawn to the order of the Treasurer of the United States, in the amount of four cents per barrel for all oil and one-fourth cent per thousand cubic feet for all gas produced from the claim prior to January 1, 1940, except oil or gas used for production purposes or unavoidably lost, in accordance with the statement required in paragraph (f). All such sums will be held by the Register in his account of unearned moneys to await instructions as to their disposition.
- (b) When a lease is authorized the lease applicant shall pay royalty on all production subsequent to January 1, 1940, so long as royalty is paid in value, computed on the basis of the minimum valuation fixed in departmental decision of February 13, 1941 (A. 22858) of eight cents under the price per barrel regularly posted by the major purchasers of crude oil in the Mid-Continent area for crude oil of 40° A. P. I. gravity, or any modification of said order. Royalties accrued at the date lease is authorized shall be paid prior to execution of such lease.
- 4. Publication of notice. Immediately upon the filing of an application for lease,

the Register will cause to be published at the expense of the applicant, in a newspaper designated by the Register, published in the vicinity of the land and most likely to give notice to the general public. notice of the application in substantially the following form:

> DEPARTMENT OF THE INTERIOR UNITED STATES LAND OFFICE

> > CHEYENNE, WYOMING,

Notice is hereby given that of _____, has applied for an oil and gas lease under the act of July 3, 1941 of re-(Public No. 151), for _____, township County, State of Wyoming. Any and all such persons having adverse or conflicting claims to said land are hereby notified that a full statement, under oath, of such claim should be filed in this office showing a superior right to a lease under said out or perfor right to a lease under said act or a valid existing adverse or conflicting claim to the land or the minerals therein under the public land laws, on or before ______; otherwise such claim may be disregarded in granting the lease applied for.

Register.

The Register will fix a date in the notice on or before which adverse or conflicting claims may be asserted, which date should not be less than 30 days, nor more than 40 days after the date of first publication of the notice. Such notice will be published once each week for a period of five weeks, if in a weekly paper, or if in a daily paper, for a period of 30 days. The Register will post a copy of such notice in a conspicuous place in his office during the period of publication.

Upon receipt of satisfactory proof furnished by the applicant of such publication, but not earlier than the day following that set in the published notice on or before which adverse or conflicting claims may be filed, the Register will transmit by special letter all papers in the case, including any adverse or conflicting claims that may have been filed, together with proof of posting the notice in his office.

- 5. Adverse or conflicting claims-Procedure... In case of adverse or conflicting claims for leases, the Secretary of the Interior is clothed with authority to grant leases to one or more of the claimants as shall be deemed just. The following procedure for the consideration of adverse or conflicting claims is hereby prescribed:
- (a) Such claimants must make a full showing stating the grounds upon which a superior right to a lease under this act is asserted.
- (b) Upon receipt of the showing of an adverse claimant, the Commissioner of the General Land Office will consider the same. If, in his judgment, the adverse claimant has failed to make a prima facie case, showing that he is entitled to a lease under the provisions of the above act, his application will be rejected subject to appeal to the Secretary of the Interior. But, if the adverse claimant makes out a prima facie case, the Commissioner will take such course

as may be advisable under the circumstances of each particular case to settle and adjust the rights of the respective parties and may, if deemed necessary, order a formal hearing to settle disputed questions of fact. In the absence of appeal to the Secretary of the Interior from the final order or decision of the Commissioner, the same shall be conclusive.

6. Filing fees. Applicants filing in accordance with the provisions of this act must pay a fee of \$2.00 for each 160 acres or fraction thereof in such application, but such fee in no case shall be less than \$10.00 and will be considered earned when paid.

7. Form of lease. The leases issued under this act will be in the form prescribed for leases granted under the act of August 21, 1935 (49 Stat. 674; 30 U.S.C. 185; 43 CFR 192.28), except that the royalty to the United States will be 121/2 percentum of all the oil and gas produced, except oil or gas used for production purposes or unavoidably lost. Each lease will be dated January 1, 1940, and will be for a term of 10 years and so long thereafter as oil or gas is produced in paying quantities.

FRED W. JOHNSON, [SEAL] Commissioner.

Approved: September 12, 1941. OSCAR L. CHAPMAN, Assistant Secretary.

[F. R. Doc. 41-7152; Filed, September 24, 1941; 2:44 p. m.]

TITLE 50-WILDLIFE

CHAPTER I-FISH AND WILDLIFE SERVICE

SUBCHAPTER K-ALASKA WILDLIFE PROTECTION

PART 92-REGULATIONS OF THE ALASKA GAME COMMISSION RELATING TO GUIDES, POISONS, AND LICENSES

By virtue of the authority conferred upon the Alaska Game Commission by the act of January 13, 1925, entitled "An Act to establish an Alaska Game Commission to protect game animals, land fur-bearing animals, and birds in Alaska, and for other purposes," (43 Stat. 739, as amended February 14, 1931, 46 Stat. 1111; U. S. Code, title 48, secs. 192-211, and June 25, 1938, 52 Stat. 1169 (48 U. S. Code 192-211), the following regulations for the protection of game animals, land fur-bearing animals, and birds in Alaska are made and published, to take effect August 15, 1941:

§ 92.1 Employment of guides by nonresidents and aliens. Nonresidents of the Territory or aliens taking game animals for any purpose, or polar bears for sport or trophies, or going afield to photograph large brown or grizzly bears, except nonresident Federal officials engaged in wildlife investigations in Alaska exempted by special permit of the Commission, and officers and enlisted men in the Army, Navy and Coast Guard services, are required to employ and be accompanied by a guide registered with and licensed by the Commission; but no such guide shall accompany in the field more than one nonresident or alien, except husband and wife and minor child all of whom are in possession of the required hunting licenses.

In cases of actual emergency when a bear is attacking or is about to escape after being wounded, it shall be the duty of the guide to take such action as he deems necessary.* [Regulation A]

*§§ 92.1 to 92.4, inclusive, issued under the authority contained in 43 Stat. 739, 46 Stat. 1111, 52 Stat. 1169; 48 U.S.C. and Sup., 192-211

§ 92.2 Qualifications for guide licenses and issuance thereof. Only resident citizens who have resided in the Territory for the 5 years immediately preceding application for registration and a guide license will be registered and licensed to act as guides for nonresidents and aliens taking game animals for any purpose, or polar bears for sport or trophies, or going afield to photograph large brown or grizzly bears.

The Alaska Game Commission will establish guide districts and maintain a register of such persons as are duly qualified and licensed to act as guides in such districts.

Applications for such registration and guide license shall be made on a form issued by the Commission and shall state applicant's citizenship and resident status, age, physical characteristics, permanent address, and district or districts in which he desires to operate, together with full information relative to his qualifications to act as guide, and shall be subscribed and sworn to by the applicant before an officer authorized to administer oaths.

Upon receipt of such application the Commission, through one of its members or such person as it shall designate, will arrange to determine, by such written and oral examinations and otherwise as it shall require, the qualifications of such applicant to act as a guide and his knowledge of the Alaska Game Law and regulations.

The member of the Commission or other person authorized to conduct such examination shall promptly file his report thereof with the Commission, together with his recommendation thereon, which report and recommendation shall be attached to the application and considered and determined at a regular or special meeting of the Commission.

If the Commission determines that the applicant does not possess sufficient field experience to qualify him to act as a principal guide but has all other qualifications, an assistant guide license may be issued to him, which shall authorize him to act as assistant to a principal guide.

In cases of emergency the Executive Officer of the Commission may, after investigation and satisfying himself of an

applicant's qualifications, issue a special guide license to him upon payment of the required fee, authorizing him to guide the nonresident or alien hunter named in the application for such special license.

Extension or renewal of guiding privileges authorized by any guide license shall be made, in the discretion of the Commission, only upon examination and approval as hereinbefore provided.

A registered guide license must bear the signature of the Executive Officer of the Commission. Each license shall expire on June 30 next succeeding its issuance, shall be revocable at the discretion of the Commission, and shall not be transferable.

Each licensed guide shall submit to the Commission, immediately upon completion of a hunting or photographing trip, a report containing the name and address of the nonresident or alien for whom he acted as guide, period covered by his services, number and species of animals taken, wounded and not secured, numbers and localities of each species of big game animal observed on the trip and such other information as the Commission may require.* [Regulation B]

§ 92.3 Designation and use of poison. Pursuant to section 9 of the Alaska Game Law, the following substances are by the Commission designated poisons: Strychnine, arsenic, phosphorus, antimony, barium, the cyanides, corrosive sublimate, or any derivative or derivatives, compound or compounds thereof, which, by said section 9, are forbidden.

(a) To be used at any time to kill any game or wild fur-bearing animal or bird,

(b) To be put out where any game or wild fur-bearing animal or bird may come in contact with it,

(c) To be sold or given to any hunter or trapper, or

(d) To be possessed by any hunter or trapper.

Any person selling or otherwise disposing of any of the aforesaid poisons is required by said section 9 of the Alaska Game Law to keep a record in a special book showing the name and address of each person purchasing or otherwise procuring said poison, and the kind and amount thereof, such record to be, at all times, open to inspection by any wild-life agent or other officer authorized to enforce the Alaska Game Law and information thereof to be transmitted monthly to the Alaska Game Commission.* [Regulation C]

§ 92.4 Resident trapping and hunting licenses. No resident of the Territory over 16 years of age, except a nativeborn Indian or Eskimo, shall take game animals, land fur-bearing animals, or birds in the Territory without first having obtained a resident hunting license for game animals or birds or a trapping license for land fur-bearing animals, but a person who is the holder of such trapping license shall be entitled to the privilege of hunting game animals or birds during the respective open seasons

without a hunting license.* [Regulation D]

On and after August 15, 1941, all former regulations of the Alaska Game Commission relative to guides, poisons, and resident hunting and trapping licenses shall be and are hereby revoked.

In testimony whereof, we have hereunto set our hands and caused the official seal of the Commission to be affixed in the City of Juneau, Territory of Alaska, this 10th day of August, 1941.

[SEAL] EARL N. OHLIER,
Commissioner First Judicial
Division and Chairman.
FRANK P. WILLIAMS,
Commissioner,
Second Judicial Division.
ANDREW A. SIMONS,
Commissioner,
Third Judicial Division.
JOHN HAJDUKOVICH,
Commissioner,
Fourth Judicial Division.
FRANK DUFRESMF,

Secretary, Executive Officer, Chief Representalive of Fish and Wildlife Service resident in Alaska.

[P. R. Doc. 41-7153; Filed, September 24, 1941; 2:44 p. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 978; eng-2752]
SUMMARY OF CONTRACT FOR SUPPLIES
CONTRACTOR: THE TRAILER COMPANY OF
AMERICA, CINCINNATI, OHIO

Contract for: Semi-trailers, Dolly, and Spare Parts.

Amount: \$1,126,778.25.

Place: Office, Chief of Engineers, 2104 New War Department Building, Washington, D. C.

This contract, entered into this ninth day of July 1941.

Scope of this contract. The contractor shall furnish and deliver * * * * Semi-trailers, Dolly, and Spare Parts for the consideration stated one million, one hundred twenty-six thousand seven hundred seventy-eight dollars and twenty-five cents (\$1,126,778.25) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right-of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

> FRANK W. BULLOCK, Lieut. Col., Signal Corps, Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7161; Filed, September 25, 1941; 10:00 a. m.]

[Serial No. 4824; 7-24-41]

SUMMARY OF CHANGE ORDER TO CONTRACT FOR SUPPLIES

CONTRACTOR: FAIRCHILD ENGINE & AIRPLANE CORPORATION, FAIRCHILD AIRCRAFT DIVI-SION, HAGERSTOWN, MD.

Change No. 3 to Contract No. W 535 ac-19039; dated May 1, 1941.

Subject: Additional Airplanes and Spare Parts.

Affecting: Contract W 535 ac-19039, as amended

The Government hereby elects to exercise its right and option contained in Article 22 of Contract W 535 ac-19039 to increase the number of airplanes and spare parts to be furnished under the terms of said contract, and it is mutually understood and agreed by the parties hereto that so many of the provisions of the contract as are affected by said increases are changed as set forth hereinbelow:

(a) The lot quantity of Airplanes, * * *, called for under the terms of Contract W 535 ac-19039 is hereby increased from * * * to * * * airplanes; total additional cost, \$4.315,-410.00

(b) The lot quantity of spare parts called for under the terms of the contract is hereby increased to a total money value of not to exceed a maximum cost of \$863,082.00; total additional cost of, \$431,541.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in and are chargeable to Procurement Authorities AC 32 P 12-30 A 0705-2, AC 18 P

82-30 A 0705-2, Total \$4,746,951.00, the available balances of which are sufficient to cover cost of same.

Frank W. Bullock, Lieut. Col., Signal Corps, Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7162; Filed, September 25, 1941; 10: 00 a. m.]

[Contract No. W 7075 qm-1; O. I. No. 1]
SUMMARY OF FIXED-FEE CONTRACT FOR
ARCHITECT-ENGINEER SERVICES

ARCHITECT-ENGINEER: A. HAMILTON WILSON, 1022 20TH STREET NW., WASHINGTON, D. C.

Amount fixed fee: For Title I, \$18,757; for Title II, \$6,253.

· Estimated cost of construction project: \$1,820,000.

Type of construction project: Storage Warehouse.

Location: Alexandria, Virginia.

Type of service: Architect-Engineer.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. QM 8829 PL29-77 A 0540-12 the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 12th day of May 1941.

TITLE I

ARTICLE I-A. Description of the work. The Architect-Engineer shall perform all the necessary services provided under this contract for the following described project: The construction of a Quartermaster Storage Warehouse, including necessary buildings, temporary structures, utilities and appurtenances thereto, at Alexandria, Va.

ART. I-D. Fixed-fee and reimbursement of expenditures. 1. In consideration for his undertakings under this Title I, the Architect-Engineer shall be paid the following:

a. A fixed fee in the amount of eighteen thousand seven hundred fifty-seven dollars (\$18,757) which shall constitute complete compensation under this Title I for the Architect-Engineer's services.

b. Reimbursement for expenditures as specified in Title III, Article III-D hereof.

Trails II

Upon the satisfactory completion and acceptance of the work and services to be furnished under Title I, the Government, at its option, may elect to have the Architect-Engineer perform the work and services provided under this Title II.

ART. II-C. Fixed-fee and reimbursement of expenditures. 1. In consideration for his undertakings under this Title II, the Architect-Engineer shall be paid the following:

ŧ

a. A fixed fee in the amount of six thousand two hundred fifty-three dollars (\$6,253) which shall constitute complete compensation under this Title II for the Architect-Engineer's services.

TITLE III

The provisions of this title shall apply to this entire contract, to wit; to Title I and likewise to Title II, should Title II become operative as provided therein.

ART. III-B. Data to be furnished by the Government. 1. The Government shall furnish the Architect-Engineer available preliminary data, layout sketches, and other information respecting sites, topography, soil conditions, outside utilities and equipment as may be essential for the preparation of preliminary sketches and the development of final drawings and specifications, and applicable Government standards, designs, drawings and specifications.

ART. III-D. Reimbursement. In addition to the payment of the fixed fee as specified in Article I-D and Article II-C hereof, the Architect-Engineer will be reimbursed for such of his actual expenditures in the performance of the work as may be approved or ratified by the Contracting Officer.

ART. III-F. Method of payment. Payments shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, with original certified payrolls, receipted bills for all expenses including materials, supplies and equipment, and all other supporting data and 90% of the amount of the Architect-Engineer's fixed-fee earned.

ART. III-G. Drawings and other data to become property of Government. 1. All drawings and specifications are to become the property of the Government on completion of payments as outlined in this contract.

ART. III—J. Changes in the scope of the project. 1. The Contracting Officer may, at any time, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

ART. III-K. Termination for cause or for convenience of the Government. The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer.

This contract is authorized by the following laws:

Public No. 611—76th Congress, Approved June 13, 1940.

Public No. 703—76th Congress, Approved July 2, 1940.

FRANK W. BULLOCK, Lieut. Col., Signal Corps, Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7163; Filed, September 25, 1941; 10:00 a. m.]

¹ Approved by the Under Secretary of War, August 8, 1941.

¹Approved by the Under Secretary of War May 19, 1941.

[Contract No. W 7075 qm-3; O. I. No. 3] SUMMARY OF-FIXED FEE CONSTRUCTION CONTRACT

CONTRACTOR: JOHN M'SHAIN, INC., 17TH AND SPRING GARDEN STREET, PHILADELPHIA, PENNSYLVANIA

Contract for: Construction of Quartermaster Storage Warehouse.

Location: Arlington, Virginia.

Fixed fee: \$76,545.00.

Estimated construction cost exclusive of fixed fee: \$1,663,455.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same:

QM 23020 C. B. U. & A. P99 A0540-N QM 23021 C. B. U. & A. P99 O0540-N

This contract, entered into this 1st day of July 1941.

Statement of work. The constructor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: The construction of a Quartermaster Storage Warehouse at Arlington, Virginia, including necessary buildings, temporary structures, utilities, and appurtenances thereto.

It is estimated that the construction cost of the work covered by this contract will be one million, six hundred sixty-three thousand, four hundred fifty-five Dollars (\$1,663,455.00) exclusive of the Constructor's fee.

In consideration for his undertaking under this contract the Constructor shall receive the following:

- (a) Reimbursement for expenditures as provided in Article II.
- (b) Rental for Constructor's equipment as provided in Article II.
- (c) A fixed fee in the amount of seventy-six thousand, five hundred forty-five dollars (\$76,545.00) which shall constitute complete compensation for the Constructor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies for which the Constructor shall be entitled to be reimbursed under Article II, shall vest in the Government.

Fayments—Reimbursement for cost. The Government will currently reimburse the Constructor for expenditures made in accordance with Article II upon certification to and verification by the Contracting Officer of the original signed payrolls, for labor, the receipted involces for materials, and such other documents as the Contracting Officer may require. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

Rental for constructor's equipment. Rental as provided in Article II for such construction plant or parts thereof as the Constructor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Payment of the fixed fee. Ninety percent (90%) of the fixed fee set out in Article I shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates submitted to and approved by the Contracting Officer.

Final payment. Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Constructor the unpaid balance of the cost of the work determined under Article II hereof, and of the fee.

Termination of contract by Government. The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Constructor.

This contract is authorized by the following law: Public No. 703—76th Congress, Approved July 2, 1940.

FRANK W. BULLOCK, Lieut. Col., Signal Corps, Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7164; Filed, September 25, 1841; 10:01 a. m.]

[Contract No. W-ORD-521]

S U M M A R Y OF COST-PLUS-A-FIXED-FEE NEW ORDNANCE FACILITY CONSTRUCTION AND OPERATION CONTRACT

CONTRACTOR: E. I. DU FONT DE NEMOURS & COMPANY, WILMINGTON, DELAWARE

Contract for: Architect-engineer services, construction of a new ordnance facility and installation of equipment therein, procuring production equipment, and options for training key personnel for and operating a new ordnance facility for the manufacture of smokeless powder and diphenylamine.

Place: Choteau, Oklahoma.

Estimated cost of designing, engineering and constructing under Title I: \$45.045.800.00.

Fixed-fee for designing, engineering and constructing under Title I: \$936,-678.00.

Estimated cost of procuring equipment under Title II: \$13 952,200.00.

Fixed-fee for procuring equipment under Title II: \$71,600.00.

Estimated cost of training key personnel under Title III (optional): \$286,-565.00.

Fixed-fee for training key personnel under Title III: \$1.00.

Estimated cost of operation under Title IV (optional): \$ * * * per pound of smokeless powder. \$ * * per pound of diphenylamine.

Fixed-fee for operation under Title IV: \$ * * * per pound of smokeless powder; \$ * * per pound of diphenylamine.

The new ordnance facility, services and supplies to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same:

ORD 27065 P99 A-0141-02 ORD 27064 P99 A-0141-02 ORD 50188 P531 A-0025-13

This contract, entered into this 11th day of September, 1941.

Title I—Design, Engineering and Construction

ARTICLE I-A. Description of new ordnance facility. The new ordnance facility, hereinafter referred to as the "Plant", and designated as Oklahoma Ordnance Works, shall comprise a plant at or near Choteau, Oklahoma, upon a site to be furnished and made available by the Government, for the manufacture of nitrocellulose smokeless powder and diphenylamine.

ART. I-B. Statement of work. The Contractor shall, in the shortest reasonable time, furnish the labor, materials, tools, machinery, equipment, facilities, utilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work:

a. The construction (including the installation of equipment therein) of the Plant described in Article I-A hereof, in accordance with the approved plans and specifications provided for hereinafter.

b. The furnishing of all architectural and engineering services covering the design, preparation of drawings, plans and specifications, and field engineering and supervision necessary for the efficient execution and coordination of the construction (including the installation of equipment therein) of said Plant as provided for hereunder, which services together with other provisions pertaining thereto are more particularly described and hereinafter set forth in Article I-E.

The Contracting Officer may, at any time, without notice to the sureties, if any, by a written order, issue additional work or services, or direct the omission of work or services covered by this Title I.

ART. I-C. Estimates. It is estimated that the total cost of the work under

¹Approved by the Under Secretary of War June 30, 1941.

No. 188----2

¹Approved by the Under Secretary of War September 13, 1941.

this Title I will be approximately forty-five million forty-five thousand eight hundred dollars (\$45,045,800), excluding the Contractor's fee and the procurement of production equipment provided for in Title II hereof.

ART. I-D. Consideration. As consideration for its undertaking under this Title I the Contractor shall receive the following:

- a. Reimbursement for expenditures as provided in Title V.
- b. Rental for Contractor's equipment as provided in Title V.
- c. A fixed-fee in the amount of nine hundred thirty-six thousand six hundred seventy-eight dollars (\$936,678.00) which shall constitute complete compensation for the Contractor's services, including profit and all general overhead of the Wilmington, Delaware office of the Contractor.

ART. I-E. Character and extent of architectural and engineering services. The Government shall furnish the Contractor such available schedules of pre-liminary data, layout sketches, and other available information respecting sites, topography, soil conditions, outside utilities and equipment, and shall make available to the Contractor such Government designs, drawings, specifications, details, standards, and safety practices as are on hand in the offices of the Chief of Ordnance and The Quartermaster General and applicable to the design, construction, and equipping of the said Plant.

Title II—Procurement of Production Equipment

ART. II-A. Statement of work. The Contractor shall, in the shortest reasonable time, determine the production equipment requirements for the Plant and shall, subject to the approval of the Contracting Officer, thereupon proceed to do all things necessary and incident to the procurement of the production equipment required.

ART. II-B. Estimates. It is estimated that the total cost under this Title II will be approximately thirteen million nine hundred fifty two thousand two hundred dollars (\$13,952,200), exclusive of the Contractor's fee.

ART. II-C. Consideration. As consideration for its undertaking under this Title II the Contractor shall receive the following:

- 1. Reimbursement for expenditures as provided in Title V.
- 2. A fixed-fee in the amount of seventy-one thousand six hundred dollars (\$71,600), which shall constitute complete compensation for the Contractor's services.

TITLE III—Training of Key Personnel (Optional)

ART. III-A. Statement of work. The obligation of the Contractor to proceed with the work under this Title III shall be conditioned upon receipt by the Contractor of notice in writing from the Contracting Officer so to do. Upon re-

ceipt by the Contractor of such notice, the Contractor shall hire or select the key personnel necessary for the operation of the Plant, and when such personnel is available shall proceed to train such personnel in the duties and functions of their respective positions, at the Contractor's plants, at ordnance establishments or elsewhere, in order that they will have obtained experience with the processes and operations involved in the Plant at any time when the Government shall exercise its option under section 1 of Article IV-A of Title IV.

ART. III-B. Estimate. It is estimated that the cost of the work under this Title III will be approximately two hundred eighty-six thousand five hundred sixty five dollars (\$286,565.00), exclusive of the Contractor's fee.

ART. III-C. Consideration. As consideration for its undertaking under this Title III the Contractor shall receive the following:

- 1. Reimbursement for expenditures as provided in Title V.
- 2. A fixed-fee of one dollar (\$1.00) which shall constitute complete compensation for the Contractor's services under this Title III, including profit,

Title IV—Operation of Plant (Optional)

ART. IV-A. Statement of work. 1. The obligation of the Contractor to proceed with the work under this Title IV shall be conditioned upon receipt by the Contractor of the notice provided for in section 1 of Article III-A of Title III hereof and receipt by the Contractor within ten (10) months after the date of approval of this contract of notice in writing from the Contracting Officer so to do. Immediately upon receipt by the Contractor of such notice, and concurrently with the performance of the work required of it under Titles I, II and III. hereof, the Contractor shall undertake all preparations necessary for the subsequent operation of the Plant, including the necessary training of personnel for such operation in addition to the key personnel trained pursuant to Title III hereof, and all other services incident to setting up an efficient and going operating force.

- 2. As each operating unit of the Plant is completed and ready for operation and the necessary preparation for operation and training of personnel has proceeded to a point where operation is practicable the Contractor shall so notify the Contracting Officer in writing and shall proceed to operate it as directed from time to time by the Contracting Officer.
- 3. Notwithstanding the fact that the construction and equipping of the Plant as a whole shall not have been completed, when all operating units thereof are completed and ready for operation, the Contractor shall so notify the Contracting Officer in writing, and from and after the date of said notice the Contractor shall operate said Plant for the production of * * * pounds of smokeless powder and * * * pounds

of diphenylamine (including the quantities produced under section 2 of this Article IV-A).

4. Upon written notice to the Contractor not less than * * * days before the anticipated completion of the operation provided for in section 3 next above, the Government may, at its option, authorize the continued operation of the Plant for the manufacture of such additional smokeless powder and diphenylamine as the Government may desire and within the capacity of the Plant for an additional * * months and the Contractor shall undertake such continued operation under the terms and conditions of this contract applicable to the operation of the Plant (including those relating to the fixed-fee).

ART. IV-B. Estimates. It is estimated that the cost of the work under this Title IV, exclusive of the cost of continued operation covered by the option therefor provided in Section 4 of Article IV-A hereof, and exclusive of the Contractor's fee will be as follows:

Estimated cost for manufacturing smokeless powder, * * * per pound; Estimated cost for manufacturing diphenylamine, * * * per pound;

ART. IV-C. Consideration. As consideration for its undertaking under this Title IV the Contractor shall receive the following:

- 1. Reimbursement for expenditures as provided in Title V hereof.
- 2. The fixed-fees for operation provided in Sections 3 and 4 of Article IV-A hereof, as follows:

A fixed fee of * * * per pound of smokeless powder produced hereunder and accepted by the Government. A fixed-fee of * * * per pound of diphenylamine produced hereunder and accepted by the Government, which fees shall constitute complete compensation for Contractor's services.

TITLE V—Cost of the Work and Payment Therefor

ART. V-A. Reimbursement for Contractor's expenditures. 1. The Contractor shall be reimbursed in the manner hereinafter described for its actual expenditures in connection with the performance of the work under this contract, when approved or ratified by the Contracting Officer.

2. Rental for Contractor's Equipment. Rental shall be paid at the rates indicated in the "Contractor's Equipment Rental Schedule, War Department, Office of The Quartermaster General", for such plant or parts thereof as he may own and furnish as shown in the Office of The Quartermaster General.

ART. V-B. Payments—Reimbursement for cost. 1. a. The Government will currently reimburse the Contractor for expenditures made in accordance with Article V-A of this Title V, upon certification and delivery to and verification by the Contracting Officer of the original signed pay rolls for labor, the receipted

invoices for materials, equipments, etc., or other evidence satisfactory to the Contracting Officer. Reimbursement will be made as promptly as possible, generally weekly, but may be made at more frequent intervals if the conditions so warrant. All payments made under this paragraph a of section 1 shall be subject to the provisions of Article V-C.

2. Rental for contractor's equipment. Rental as provided in section 2 of Article V-A of this Title V, for such construction plant or parts thereof as the Contractor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Payment of the fixed-fees. 3. a. The fixed-fee provided for in Article I-D of Title I shall be paid in partial payments, less ten percent (10%) of each such partial payment.

b. The fixed-fee provided for in Article II-C of Title II shall be paid in partial payments, less ten percent (10%) of each such partial payment as it accrues.

- c. The fixed-fee of One Dollar (\$1.00) provided for in Article III-C shall be paid upon the completion of the work provided therein.
- d. 1. The fixed-fees per pound of smokeless powder and diphenylamine delivered to and accepted by the Government under the provisions of Article IV of Title IV, shall be paid to the Contractor by the Government promptly after the close of the calendar month in which such finished product is inspected and accepted.

Final payment. 5. Upon completion of the work under Titles I and II and its final acceptance in writing by the Contracting Officer, and again upon the completion of the work under Title IV, the Government shall pay to the Contractor the unpaid balance of the cost of the work determined under Title V hereof, and of the fees.

ART. V-C. Advances. At any time, and from time to time, after the execution of this contract the Government, at the request of the Contractor, and subject to the approval of the Chief of Ordnance as to the necessity therefor, shall advance to the Contractor without payment of interest thereon by the Contractor, a sum or sums not in excess of thirty percent (30%) of the estimated cost of the work under this contract.

TITLE VI-Termination

ART. VI-A. Termination by Government. The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Contractor.

TITLE VII-General

ART. VII-B. Changes. In connection with the work under Titles II, III and IV, the Contracting Officer may at any time after consultation with the Contractor, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the

omission of work covered by such Titles II, III and IV.

ART. VII-C. Title. The title to all work, completed or in the course of construction, preparation or manufacture shall be in the Government. Likewise, upon delivery at the site of the work, at an approved storage site or other place approved by the Contracting Officer and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed under Title V hereof shall vest in the Government.

This contract is authorized by the following laws: The Act of July 2, 1940 (Public No. 703, 76th Congress), and the Act of June 30, 1941 (Public No. 139, 77th Congress).

FRANK W. BULLOCK, Lieut. Col., Signal Corps, Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7165; Filed, September 25, 1841; 10:01 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1040]

PETITION OF BOVARD COAL CO., A CODE MEMBER IN DISTRICT NO. 1, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR ALL SHIPMENTS FOR COALS PRODUCED AT ITS RIMER MINE

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party:

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on October 23, 1941, at 10 o'clock in the forencon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 18. 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the patition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the establishment of the following price classifications and minimum prices for the coals of the Rimer Mine of Bovard Coal Company for all shipments except truck, to be made from Brady's Bend on the Western Allegheny Raliroad: A classification of "G" in Size Groups 1 to 3, inclusive, and of "H" in Size Groups 4 and 5.

Dated: September 24, 1941.

[SEAL]

H. A. GRAY, Director.

[F. R. Doc. 41-7170; Filed, September 25, 1941; 11:15 a. m.]

[Docket No. A-738]

PETITION OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF AN ADDITIONAL PRICE CLASSIFICATION AND MINIMUM PRICE FOR THE WASHED 3/2" X 0 SCREEN-INGS PRODUCED IN DISTRICT NO. 15

ORDER REOPENING MATTER AND NOTICE OF AND ORDER FOR FURTHER HEARING

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was filed with the Division in the above-entitled matter by District Board No. 15. The petitioner requested therein the establishment of an additional size group and a minimum price for the washed $35^{\prime\prime}$ x 0 screenings produced in District No. 15.

On August 13, 1941, the Director entered findings of fact, conclusions of law, an opinion and an order denying the relief requested by the petitioner. District Board No. 15 has since filed a petition for reconsideration of the subject matter wherein it again requests the Director to grant the relief originally prayed for or, in the alternative, to reopen the matter in order that the petitioner may have a further hearing wherein it may submit

"additional expert testimony and expert opinion as to the actual necessity for the establishment of the size classification and price" requested.

The petitioner's attention is called to the Director's finding of fact that "no evidence was presented that . . . cement plants would actually be willing to buy such coals if a reduced price were applicable." The record also discloses generally but scant factual detail evidence tending to support the granting of the relief requested. In order that petitioner may have an opportunity to present such evidence at a further hearing in support of its original petition, if it can, the Director is of the opinion that the aboveentitled matter should be reopened and set for further hearing.

It is ordered, That the above-entitled matter be reopened and that a further hearing therein under the applicable provisions of said Act and the rules of the Division be held on November 6, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions of law and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 31, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other

matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 15 for the establishment of an additional price classification and minimum price for the washed 36" x 0 screenings produced at the mines of code members in District No. 15, such price, subject to certain limitations as to its amount and to the use to which the screenings are devoted, to be 20 cents per net ton less than the minimum price applicable to washed 11/4" x 0 screenings (Size Group

Dated: September 24, 1941. [SEAL] H. A. GRAY,

Director.

[F. R. Doc. 41-7171; Filed, September 25, 1941; 11:15 a. m.j

Bureau of Reclamation.

AMENDMENT TO FIRST FORM RECLAMATION WITHDRAWAL

GREEN RIVER PROJECT, WYOMING

AUGUST 28, 1941.

The Secretary of the Interior.

SIR: By Departmental Order of July 8, 1941, certain lands described therein were withdrawn from public entry under first form withdrawal, as provided in section 3, Act of June 17, 1902 (32 Stat. 388) in connection with the Green River Project, Wyoming.

The said withdrawal of July 8, 1941, inadvertently described the NW1/4SW1/4 as the NW1/4SE1/4 Sec. 16, T. 22 N., R. 116 W., 6th P. M., Wyoming. It is therefore recommended that said order be amended to take effect as of July 8, 1941. to the extent of describing this tract as the NW1/4SW1/4 Sec. 16, T. 22 N., R. 116 W., 6th P. M., Wyoming. Respectfully,

H. W. BASHORE, Acting Commissioner.

I concur: September 6, 1941.

ARCHIE D. RYAN.

Acting Director, Grazing Service.

I concur: September 8, 1941.

FRED W. JOHNSON,

Commissioner of the General Land Office.

September 11, 1941.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

> JOHN J. DEMPSEY, Under Secretary.

[F. R. Doc. 41-7155; Filed, September 24, 1941; 4:02 p. m.]

ORLAND IRRIGATION PROJECT, CALIFORNIA

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGES (ACT OF JUNE 17, 1902, 32 STAT., 388, AS AMENDED OR SUPPLEMENTED)

SEPTEMBER 8, 1941.

- 1. Announcement is hereby made that. pending the cancellation of water rights on lands now delinquent in the payment of charges due the United States and the transfer of said water rights to other lands in private ownership that can be served from the constructed canal system, or minor extensions, on the Orland project, California, water will be furnished during the irrigation season of 1942 upon approved applications for temporary water service for the irrigation of such other lands, upon a water rental basis, at the following rates and terms.
- 2. The minimum water rental charge for the lands to be irrigated under the provisions of this public notice shall be one dollar and sixty cents (\$1.60) per irrigable acre, which charge will permit the delivery of not to exceed three acre feet of water per acre. Additional water will be furnished at the rate of forty cents (\$0.40) per acre foot. The minimum charge defined above will be due and payable at the time that application for temporary water service is filed and no water will be delivered until the minimum charge has been paid in full. Charges for additional water at the rates above specified must be paid in advance of the delivery of additional water and no advance payments shall be accepted in sums of less than \$10.00 which would permit the delivery of 25 acre feet at the rate specified.
- 3. All charges for water rental service are to be paid to the Bureau of Reclamation, Orland, California.

John J. Dempsey, Under Secretary

[F. R. Doc. 41-7156; Filed, September 24, 1941; 4:02 p. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration. [Administrative Order No. 619]

ALLOCATION OF FUNDS FOR LOANS

I hereby amend:

- (a) Administrative Order No. 613, dated August 4, 1941, by changing the project designation appearing therein as "South Carolina 2041R1 York" to read "South Carolina 2043R1 York;"
- (b) Administrative Order No. 616, dated August 30, 1941, by changing the project designation appearing therein as 'Oklahoma 2015F1 Tillman" to read "Oklahoma 2015E1 Tillman."

[SEAL]

HARRY SLATTERY, Administrator.

[F. R. Doc. 41-7168; Filed, September 25, 1941; 11:03 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 491]

In the Matter of the Application of American Export Airlines, Inc. Under Section 408 (b) of the Civil Aero-Nautics Act of 1938, as Amended, for Approval of the Acquisition of All, or Substantially All, of the Issued and Outstanding Stock of TACA, S. A.

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

Oral Argument on the above-entitled proceeding, now assigned for September 25, 1941, is hereby postponed to October 1, 1941, 10 o'clock a. m. (Eastern Standard Time) in Room 5044, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C.

Dated Washington, D. C., September 24, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN,

[F. R. Doc. 41-7172; Filed, September 25, 1941; 11:16 a. m.]

FEDERAL COMMUNICATIONS COM-MISSION.

[Docket No. 6188]

IN RE APPLICATION OF POSTAL TELEGRAPH-CABLE COMPANY FOR AUTHORITY TO EXTEND ITS LINES BETWEEN MIAMI, FLORIDA, AND FLORIDA CITY, FLORIDA

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing to be held at the offices of the Commission, Washington, D. C., on October 23, 1941 at 10:00 o'clock a. m., E. S. T., for the following reasons:

- 1. To determine the nature and character of the service to be rendered over the proposed telegraph circuit, including the classifications of messages and the charges applicable thereto.
- 2. To determine whether the granting of the application would result in any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services or give any undue or unreasonable preference or advantage to any particular person, or class of persons, or locality, or subject any particular person, or class of persons or locality to any undue or unreasonable prejudice or disadvantage, in violation of section 202 (a) of the Communications Act of 1934, as amended.
- 3. To determine the amount of telegraph traffic to be derived from the operation of the proposed circuit.
- 4. To determine whether the telegraph service now rendered at Florida City, Florida; Princeton, Florida; Goulds, Florida and Peters, Florida is efficient, satisfactory and adequate; whether the service should be improved, augmented or expanded; whether the proposed extension would result in new or improved

service; whether there is a need for the proposed circuit.

- 5. To determine whether or not the interest, service or revenue of any other carrier subject to the Communications Act of 1934, as amended, may be adversely affected and, if so the extent thereof.
- 6. To determine whether or not the granting of the application would result in the unnecessary duplication of telegraph facilities.
- 7. To determine whether the present or future public convenience and necessity require or will require the granting of the application.

Dated at Washington, D. C., September 23, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 41-7160; Filed, September 25, 1941; 11:38 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5701]

IN THE MATTER OF CAROLINA POWER & LIGHT COMPANY

ORDER POSTPONING HEARING

SEPTEMBER 23, 1941.

It appearing to the Commission that: On September 5, 1941, the hearing in the above-entitled proceeding was recessed by the Commission's Examiner to reconvene on September 29, 1941;

The Commission finds that: Good cause exists for postponement of the hearing;

The Commission orders that: The hearing in this proceeding heretofore set to reconvene on September 29, 1941, be and it is hereby postponed to October 20, 1941, at 9:45 a. m., in the Federal Court Room of the Federal Building, Raleigh, North Carolina.

By the Commission.

[SEAL]

Leon M. Fuquay, Secretary.

[F. R. Doc. 41-7159; Filed, September 25, 1941; 9:59 a. m.]

[Docket No. G-213]

IN THE MATTER OF GAS TRANSPORT, INC. ORDER FIXING DATE OF PUBLIC HEARING

SEPTEMBER 23, 1941.

Upon application filed September 10, 1941, by Gas Transport, Inc., for a Certificate of Public Convenience and Necessity under section 7 (c) of the Natural Gas Act, authorizing Gas Transport, Inc., to acquire and operate a natural gas pipe line owned by the Anchor Hocking Glass Corporation, extending from the vicinity of New Era, West Virginia, to the vicinity of Gravel Bank, Ohio;

The Commission orders that:

(A) A public hearing on said application be held beginning at 9:45 a. m., Oc-

tober 7, 1941, in the hearing room of the Commission, 1757 K St. NW., Washington, D. C.;

(B) Interested state commissions may participate in said hearing, pursuant to section 67.4 of the Commission's Provisional Rules of Practice and Regulations Under the Natural Gas Act.

By the Commission.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Dcc. 41-7169; Filed, September 25, 1941; 9:59 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4459]

In the Matter of Amasia Importing Corporation

ORDER APPOINTING TRIAL EXAMINER AND FIX-ING TIME AND PLACE FOR TAKING TESTI-MORY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23d day of September, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, October 27, 1941, at ten o'clock in the forencon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

Joe L. Evins, Acting Secretary.

[P. R. Doc. 41-7182; Filed, September 25, 1941; 11:59 a. m.]

[Docket No. 4433]

IN THE MATTER OF MAURICE J. ENGEL

ORDER APPOINTING TRIAL EXAMINER AND FIX-HIG TIME AND PLACE FOR TAKING TESTI-MONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23d day of September, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, October 28, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

Joe L. Evins, Acting Secretary.

[F. R. Doc. 41-7183; Filed, September 25, 1941; 11:50 a. m.]

[Docket No. 4491]

In the Matter of Radio Wire Television, Inc.

ORDER APPOINTING TRIAL EXAMINER AND FIX-ING TIME AND PLACE FOR TAKING TESTI-MONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23d day of September, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, October 29, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immeditely to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

Joe L. Evins,
Acting Secretary.

[F. R. Doc. 41-7184; Filed, September 25, 1941; 11:50 a. m.]

SECURITIES AND EXCHANGE COM-MISSION.

[File No. 59-26]

IN THE MATTER OF FLORIDA POWER & LIGHT COMPANY, AMERICAN POWER & LIGHT COMPANY, AND ELECTRIC BOND AND SHARE COMPANY

[File No. 70-403]

IN THE MATTER OF FLORIDA POWER & LIGHT COMPANY AND AMERICAN POWER & LIGHT COMPANY

NOTICE REGARDING FILING AND ORDER CON-SOLIDATING PROCEEDINGS

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23d day of September, A. D. 1941.

The Commission having on July 10, 1941 issued a Notice and Order for Hearing In the Matter of Florida Power & Light Company, American Power & Light Company, and Electric Bond and Share Company (File No. 59–26), under sections 11 (b) (2), 12 (b), 12 (c), 12 (f), and 15 (f) of the Public Utility Holding Company Act of 1935 and having by subsequent order dated August 8, 1941 postponed the date of hearing to September 22, 1941; and

Florida Power & Light Company and American Power & Light Company having on September 17, 1941 filed declarations or applications (or both) under the Public Utility Holding Company Act of 1935 and the rules and regulations thereunder, with respect to the following transactions:

1. Florida Power & Light Company (hereinafter referred to as "Florida") proposes to acquire for cancellation, through transfer and surrender by its parent, American Power & Light Company (hereinafter referred to as "American") the following securities:

\$22,000,000 principal amount 6% gold debenture bonds, Series A due December 31, 1951 (entire issue);

\$1,347,700¹ (13,477 shares \$7 Preferred Stock, cumulative, no par value; \$1,000,000⁴ (10,000 shares) \$6 Preferred Stock, cumulative, no par value (entire issue); and

\$2,000,000¹ (20,000 shares) Second Preferred Stock, \$7 cumulative, no par value (entire issue). American proposes to waive all claims to accumulated dividends in arrears on this stock at the time of such acquisition, which amounted to \$1,248,333.33 as of August 31, 1941.

2. Florida also proposes to acquire, without cost to it, and American proposes to transfer, the securities of Utilities Land Company (a Florida corporation which owns an ice plant and certain other real estate in Florida), all of which are now owned by American, and the right to receive \$1,000 owed American by Utilities Land Company on an open account loan.

3. It is further proposed that Florida will transfer to its capital surplus account \$26,347,700, which is the aggregate principal amount or liquidating value of the securities of Florida to be transferred to it by American as stated above, and to make certain additional adjustments to plant and investment account and to capital surplus on account of the securities of Utilities Land Company to be received from American.

4. Florida further proposes to issue and sell (pursuant to the provisions of Rule U-50 under the Act) \$45,000,000 principal amount of First Mortgage Bonds, \$10,000,000 principal amount of Sinking Fund Debentures and 140,000 shares of Cumulative Preferred Stock. The proceeds from the sale of such securities will be applied to redeem within 40 days after the issuance and sale of the Bonds, Debentures, and Stock, Florida's presently outstanding First Mortgage Gold Bonds, 5% Series due 1954 (\$52,000,000) and the 142,667 shares of Florida's \$7 Preferred Stock, cumulative, no par value, presently outstanding with the public.

It appearing to the Commission that the aforementioned declarations or applications (or both) of Florida and American are related to, and present common questions of law and fact with, the issues set forth in the Commission's Notice and Order for Hearing, In the Matter of Florida Power & Light Company, et al. (File No. 59–26);

It is ordered, That a hearing be held with respect to said declarations or applications of Florida and American, and that such hearing be consolidated with the hearing ordered by the Commission to be held commencing September 22, 1941 in the proceeding entitled "In the Matter of Florida Power & Light Company, et al.," File No. 59–26, at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. At such consolidated hearing, cause shall be shown why the aforementioned declarations shall become effective.

It is further ordered, That notice with respect to the filing of the aforementioned applications and declarations (or both) and of the Order for Consolidated Hearing shall be given by the publication of this Notice and Order in the Federal Register and that any interested person desiring to be heard at such hearing shall so advise the Commission not later than October 2, 1941, stating the reasons for such request and the nature of his interest. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

By the Commission.

[SEAL] Francis P. Brassor, Secretary,

[F. R. Doc. 41-7173; Filed, September 25, 1941; 11:24 a. m.]

 $^{^{1}}$ Based on liquidating value of \$100 per share.

[File No. 70-405]

IN THE MATTER OF LOUISVILLE GAS AND ELECTRIC COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of September, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than October 6, 1941 at 4:45 p. m., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20(a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized

Louisville Gas and Electric Company. a Kentucky corporation which is a public-utility subsidiary of Louisville Gas and Electric Company, a Delaware corporation which is a registered holding company and also a subsidiary of Standard Gas and Electric Company and of Standard Power and Light Corporation, both registered holding companies, proposes to issue and sell 150,000 shares of its common stock by a direct offer and sale thereof to the public (with a provision for the allowance of a concession to any dealer or broker who is a member, in good standing, of the National Association of Securities Dealers, Inc. and who executes an agreement with the issuer relating to the distribution of the proposed issue; the issuer represents that it intends to advise each of its stockholders and each stockholder of Louisville Gas and Electric Company (Delaware) by mail of the offering and if requested will send any of such stockholders a prospectus); because the proposed issue of common stock will not be sold to or underwritten by investment bankers, the issuer has requested a finding pursuant to paragraph (5) of subdivision (a) of Rule U-50, that it need not comply with the provisions of subdivisions (b) and (c) of said Rule U-50 with respect thereto.

By the Commission.

[SEAL]

Francis P. Brassor, Secretary.

[F. R. Doc. 41-7174; Filed, September 25, 1941; 11:24 a. m.]

[File No. 1-2000]

IN THE MATTER OF PIRELLI COMPANY OF ITALY; AMERICAN SHARES REPRESENTING 500 LIRE PAR CAPITAL STOCK, SERIES A, AND 500 LIRE PAR CAPITAL STOCK, SERIES A

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 24th day of September, A. D. 1941.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the American Shares Representing 500 Lire Par Capital Stock, Series A, and 500 Lire Par Capital Stock, Series A, of Pirelli Company of Italy; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on October 4, 1941.

By the Commission.

[SEAL]

Francis P. Brasson, Secretary.

[F. R. Doc. 41-7175; Filed, September 25, 1941; 11:24 a. m.]

[File No. 1-193]

In the Matter of Dominion Gas & Electric Company 6%% Collateral Trust Gold Bonds Due 1945

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 24th day of September, A. D. 1941.

The Dominion Gas & Electric Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its 6½% Collateral Trust Gold Bonds due 1945 from listing and registration on The Chicago Stock Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on October 4, 1941.

By the Commission.

[SEAL]

Francis P. Brasson, Secretary.

[F. R. Doc. 41-7178; Filed, September 25, 1941; 11:25 a. m.]

[File No. 1-2382]

IN THE MATTER OF NEW YORK CHICAGO & ST. LOUIS RAILROAD COMPANY, AND LAKE ENIE & WESTERN RAILROAD COMPANY 5% SECOND MONTGAGE GOLD BONDS DUE 1941

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of September, A. D. 1941.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Lake Erio & Western Railroad Company 5% Second Mortgage Gold Bonds due 1941 of New York Chicago & St. Louis Railroad Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on October 4, 1941.

By the Commission.

[SEAL]

Francis P. Brassor, Secretary.

[F.R. Doc. 41-7176; Filed, September 25, 1941; 11:25 a. m.]

[File No. 1-2310]

IN THE MATTER OF SHERWOOD SWAN & COMPANY, Ltd. \$10 PAR 6% CUMULATIVE PARTICIPATING CLASS A STOCK

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of September, A. D. 1941.

The Sherwood Swan & Company, Ltd., pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1(b) promulgated thereunder, having made application to withdraw its \$10 Par 6% Cumulative Participating Class A Stock from listing and registration on the San Francisco Stock Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on October 9, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7177; Filed, September 25, 1941; 11:25 a. m.]

[File No. 70-355]

IN THE MATTER OF NORTHERN INDIANA
PUBLIC SERVICE COMPANY, GARY HEAT,
LIGHT & WATER COMPANY, GARY ELECTRIC AND GAS COMPANY, AND CLARENCE
SOUTHERLAND AND JAY SAMUEL HARTT,
TRUSTEES OF THE ESTATE OF MIDLAND
UTILITIES COMPANY

ORDER GRANTING PETITION TO INTERVENE

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Washington, D. C., on the 24th day of September, A. D. 1941.

The City of Gary, Indiana, and the Common Council of the City of Gary, Indiana, having filed a written request to intervene in the within proceedings, and it appearing that said petitioners are entitled to intervene as "interested" authorities within the meaning of the second sentence of section 19 of the Public Utility Holding Company Act of 1935

and the first sentence of rule XVII (a) of the Rules of Practice thereunder:

It is ordered, That the said request of the City of Gary, Indiana, and the Common Council of the City of Gary, Indiana, to intervene in said proceedings be, and the same hereby is, granted.

By the Commission.

[SEAL]

Francis P. Brassor,

Secretary.

[F. R. Doc. 41-7181; Filed, September 25, 1941; 11:47 a. m.]